

House Resolution 1051

By: Representative Manning of the 32<sup>nd</sup>

## A RESOLUTION

1 Proposing an amendment to the Constitution so as to specify the public purposes for which  
2 the power of eminent domain may be exercised under the authority of the State of Georgia  
3 and provide that economic development or redevelopment shall not constitute a public  
4 purpose for which private property may be acquired by eminent domain; to provide for  
5 submission of this amendment for ratification or rejection; and for other purposes.

6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

### 7 SECTION 1.

8 Paragraph I of Section III of Article I of the Constitution is amended by striking  
9 subparagraphs (a) and (b) and inserting in their place new subparagraphs to read as follows:

10 "(a) The power of eminent domain shall be exercised under the authority of this state only  
11 for the public purposes of acquiring property:

12 (1) For public road or street purposes or public transportation purposes;

13 (2) For ownership by a governmental entity and use in the performance of one or more  
14 governmental functions; or

15 (3) For public utility and pipeline purposes to the extent authorized by general law and  
16 subject to the conditions provided by law.

17 Economic development or redevelopment shall not constitute a public purpose for which  
18 private property may be acquired by eminent domain. Except as otherwise provided in this  
19 Paragraph, private property shall not be taken or damaged for public purposes without just  
20 and adequate compensation being first paid.

21 (b) When private property is taken or damaged by the state or the counties or  
22 municipalities of the state for public road or street purposes, or for public transportation  
23 purposes, or for any other public purposes ~~as determined by the General Assembly~~, just and  
24 adequate compensation therefor need not be paid until the same has been finally fixed and  
25 determined as provided by law; but such just and adequate compensation shall then be paid  
26 in preference to all other obligations except bonded indebtedness."

**SECTION 2.**

Section II of Article IX of the Constitution is amended by striking Paragraph V and inserting in its place a new paragraph to read as follows:

"Paragraph V. ***Eminent domain.*** The governing authority of each county and of each municipality may exercise the power of eminent domain for any public purpose authorized under Paragraph I of Section III of Article I."

**SECTION 3.**

Section II of Article IX of the Constitution is further amended by striking subparagraph (a) of Paragraph VII and inserting in its place a new subparagraph to read as follows:

"(a) The General Assembly may authorize any county, municipality, or housing authority to undertake and carry out community redevelopment, which ~~may~~ shall not include the sale or other disposition of property acquired by eminent domain to private enterprise for private uses."

**SECTION 4.**

The above proposed amendment to the Constitution shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the above proposed amendment shall have written or printed thereon the following:

"( ) YES Shall the Constitution of Georgia be amended so as to specify the public purposes for which the power of eminent domain may be exercised under  
( ) NO the authority of the State of Georgia and provide that economic development or redevelopment shall not constitute a public purpose for which private property may be acquired by eminent domain?"

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."

All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.